

**Memorandum of the Meeting
Study Session/Meeting
Twenty-Eighth Town Council of Highland
Monday, June 18, 2018**

The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, June 18, 2018** at 6:35 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Mark Herak, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Officials Present: Kathy DeGuilio-Fox, Redevelopment Director was also present.

Additional Officials Present: Larry Kondrat, Board of Waterworks Directors; and Ed Dabrowski, IT Consultant (Contract) was also present.

General Substance of Matters Discussed.

1. **Discuss modifications to the Wage and Salary Ordinance regarding proposed amendments for overtime for salaried public safety workers.** The Town Council President, in his role as liaison to the Town Board of Metropolitan Police Commissioners, presented a proposal to modify the provisions of the existing wage and salary ordinance regarding special overtime or special detail compensation from its current provisions set forth in Section 10 (G) of the Wage and Salary Ordinance as amended.

The existing language was reviewed and discussed:

(G) Special Detail Pay Provisions:

- (1) Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignments or details will be paid at the following rate:

Special Duty/Highland Grove Security Detail: \$ 20 per hour**

***Or at an hourly rate fixed as set forth in an agreement or memorandum authorized by ordinance of the municipality providing for special patrol zones and related agreements.*

- (2) Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignments or details will be paid at the following rate:

Special Community Events sponsored by the Municipality by one or more of its executive Departments, agencies, or councils:

1.5 times the base
hourly wage rate of
1st Class Patrol
Officer (w/o
longevity.)

- (3) Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignments or details will be paid at 1.5 times the composite rate (base rate plus longevity rate) of the assigned officer for hours performing the special assignment, provided such rate is lawful and authorized under the terms of the supporting grant:

Lake County Task Drug Task Force
Grant Supported Special Law Enforcement Detail(s) or Patrols
(OWI; DWI; Sobriety Checks/Domestic Violence Duties/)

- (4) No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect;

The Town Council discussed the merits of changing the current rate for special event overtime details to be 1.5 times the actual pay of the assigned officer not to exceed the pay for a sergeant even if an administrator was assigned.

The discussion included consideration of establishing a new special detail styled as Mobile Park patrol, for which the pay would be the rate of the actual officer assigned, without a cap at sergeant and with an overtime multiplier. Also, the discussion included consideration of establishing a new special detail styled as Special patrol, for which the pay would be the rate of the actual officer assigned, without a cap at sergeant and but would include an overtime multiplier.

It was noted that the overtime multiplier would be helpful to make more it likely that the Town was complying with the Fair Labor Standards Act protections. The discussion included the prospect of making the special detail overtime pay rates more consistent and whether the rates for administrators should be used for non-administrative tasks as overtime. The Town Council reviewed the following rates shown with and without the multiplier:

Section 10
Base Pay converted to hourly

	Base Pay	Hourly Pay	If paid at 1.5 times
Police Chief	\$ 3,239.28	\$ 40.49	\$ 60.74
Assistant Chief	\$ 3,020.32	\$ 37.75	\$ 56.63
Commander	\$ 2,801.37	\$ 35.02	\$ 52.53
Deputy Commander	\$ 2,727.02	\$ 34.09	\$ 51.13
Sergeants	\$ 2,652.67	\$ 33.16	\$ 49.74
Corporal	\$ 2,503.94	\$ 31.30	\$ 46.95
Lance Corporal	\$ 2,448.02	\$ 30.60	\$ 45.90
Police Officer First Class	\$ 2,367.74	\$ 29.60	\$ 44.40
Police Officer 2nd Class	\$ 2,088.29	\$ 26.10	\$ 39.16
Police Officer 3rd Class	\$ 1,955.43	\$ 24.44	\$ 36.66
Police Officer 4th Class	\$ 1,771.27	\$ 22.14	\$ 33.21

Administrators who hold a service rank but are paid at these rates as an assignment.

It was suggested that an amendment to the wage and salary ordinance could be prepared, granting that special detail overtime be based upon the actual pay of the assigned officer, all with the 1.5 times the rate overtime multiplier and with no detail allowing any rate higher than that of sergeant. It was noted that there is current language allowed for *grant supported* details to pay at actual rank, with the multiplier applied to administrators as well. However, it was further noted that the grant should be designed to support the all of the added expenses.

2. ***Discuss remaining appointments including vacancy on Waterworks Board for M. Timmer, the Tree Advisory Board.*** The Town Council President confirmed his appointment of *Curt Schroeder* to the vacancy on the Board of Waterworks at the last meeting. He noted that Mr. Schroeder's application should have been provided to the Clerk-Treasurer office.

The Town Council President requested that the several applications submitted by persons who expressed in interest in serving on the Tree Advisory Board be provided again to the Town Council. The Clerk-Treasurer indicated that he would resend the five applications.

3. **Discuss the possible amendment of current amounts for faithful performance bonds for certain officials in the Town.** (See document accompanying) The Town Clerk-Treasurer called to the attention of the Town Council a summary document that listed the current authorized surety or faithful performance bonds that are authorized either by the local Town Code or by operation of enabling law for the some of the various boards and commissions.

The discussion included an exploration of whether some board or commissions should in fact have any faithful performance bond requirement. The Town Clerk-Treasurer presented a summary of the statute IC 5-4-1 et seq. It was noted that this matter would not be taken up at the next meeting. However, the Town Clerk-Treasurer requested some feedback on the desirability to modify in some cases some of the faithful performance bonds amounts. The Town Clerk-Treasurer further stated that he would be prepare a summary of suggested changes to bring the bonds up to date.

The sheet summary of bonds for the several positions that require it was provided. The Clerk-Treasurer requested that for the strictly home-rule based fidelity (faithful performance) bonds, that an ordinance be prepared to amend the several code provisions to allow these to fixed at the minimum set forth at law, which is \$15,000. This would be for the Public Works Director, The Building Commissioner and the Building Inspectors, and the Community Events Commission. There was no objection. The Clerk-Treasurer indicated that such an ordinance may not be ready for the imminent plenary meeting but would be prepared for a future meeting.

FAITHFUL PERFORMANCE BONDS
Office of the Clerk-Treasurer • Town-wide

Pursuant to Town Council Ordinance No. 1059 and I.C. 5-4-1, the following summary for the fidelity sureties of the unit are fixed and established:

1. Whenever a statute provides for an individual bond such as the Sanitary District law and the Town Board of Metropolitan Police Commissioners Law in an amount that varies from the minimum bond amount set up in I.C. 5-4-1, the statutory amount fixed in the relevant enabling law will be used.
2. **Public Works Director.** The Faithful Performance Bond amount is fixed at \$8,500. (See HMC Section 2.20.030)
3. **Building Commissioner/Chief Inspector.** The Faithful Performance Bond amount is fixed at \$10,000. (See HMC Section 2.25.030)
4. **Electrical Inspector.** The Faithful Performance Bond amount is fixed at \$8,500. (See HMC Section 15.15.010)
5. **Plumbing Inspector.** The Faithful Performance Bond amount is fixed at \$8,500. (See HMC Section 15.20.020 (B))
6. **Code Enforcement Inspector.** The Faithful Performance Bond amount is fixed at the minimum statutory amount, which is \$ 30,000. (See HMC Section 5.20.060)
7. **Police Pension Secretary.** The Faithful Performance Bond amount is fixed at \$15,000. (See HMC Section 9.10.150 (B))
8. **Officers and Employees: Parks & Recreation.** The Faithful Performance Blanket Bond amount is fixed at \$15,000. (See HMC section 11.05.080)
9. **Officers and Employees: Municipality including the Utility.** The Faithful Performance Blanket Bond amount is fixed at \$30,000. (See HMC Section 2.35.060)
10. **Clerk-Treasurer.** The Faithful Performance Bond amount is fixed by resolution annually based upon the provisions of I.C. 5-4-1 et seq. A bond must be obtained for his duties as Clerk-Treasurer and for his duties as Barrett Law Fund Custodian. The minimum surety amount must always be \$30,000 for each role and cannot exceed \$ 300,000. The

statute provides that the surety be fixed at \$30,000 per \$ 1,000,000 of receipts from the previous year. (See IC 5-4-1-18(a)(2))

11. **Water Works Board of Directors.** The Faithful Performance Bond for *each* amount is fixed by the Fiscal Officer according to I.C. 8-1-5-4 and the local code at \$15,000. (One for each director) (See HMC 12.05.030 and *hereby fixed by the Clerk-Treasurer accordingly.*)
 12. **Redevelopment Commissioners.** The Faithful Performance Bond for **each** amount is fixed according to I.C. 36-7-14-7(c) and HMC Section 14.10.040 (B) at \$15,000.
 13. **Member of the Town Board of Metropolitan Police Commissioners.** The Faithful Performance Bond amount for **each** is fixed according to I.C. 36-8-9-3.1(f) at \$5,000.
 14. **Member of the Board of Sanitary Commissioners.** The Faithful Performance Bond amount for **each** is fixed according to I.C. 36-9-25-3(d) at \$5,000.
 15. **Community Events Commission.** The Faithful Performance Bond for **the Commission** amount is fixed according to HMC Section and HMC Section 11.15.010 (H) at \$10,000.
4. **Ad hoc matter.** Letter from a resident with a request. The Town Council discussed a letter presented by Councilor Vassar regarding the condition (absence) of sidewalks at 8721 Orchard Drive. Councilor Vassar stated that the location was the residence of the letter writer's daughter who was disabled and the condition of (absence of) the sidewalk created a problem for the disabled resident's ability to employ her method of mobility (wheelchair). The Town Council discussed the merits of the request. There was favor for the request expressed, but it was noted that the process should be consistent with existing policy, perhaps using the existing sidewalk replacement program and seeking some CDBG Funds. Some expressed that if the matter did not have an existing policy that would absorb the cost for the disabled resident, financial support might be provided by voluntary contributions from the elected municipal officers.

There being no further business necessary or desired to be discussed by the Town Council, the regular study session of the Town Council of **Monday, June 18, 2018**, was adjourned at 7:05 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer